

18.12.2023
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b.das
Ct.No. 28

C.R.M. (DB) 4359 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habra P.S case no. 261 of 2021 dated 12th May, 2021 under sections 363/365/366/376 of the Indian Penal Code and section 6 of the POCSO Act and section 9 of the Prohibition of Child Marriage Act.
and

Allowed

In Re : **Nishikanta Ghosh** ... petitioner

Mr. Arnab Chatterjee
Mr. S. Saha Podder
Ms. P. Bose

..... for the petitioner.

Ms. Sutapa Banerjee

..... for the State.

Mr. Partha Pratim Das
Mr. Manojit Chakraborty ..for de-facto complainant.

1. Heard learned Advocates for the parties.
2. It is submitted on behalf of the petitioner that there was a romantic relationship between the parties. Victim has already been examined in Court. He prays for bail.
3. Learned lawyer for the State opposes the bail prayer.
4. Learned lawyer for the de facto complainant also opposes the prayer for bail.
5. We have considered the materials on record. Allegation of rape requires to be assessed in light of submission there was free mixing between two young persons. Victim has already been examined. Under such circumstances, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like

amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under POCSO Act, Barasat, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)